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Chapter 18.73

RESIDENTIAL SHORT-TERM RENTALS

Sections:

- 18.73.010 Purpose.
- 18.73.020 Applicability.
- 18.73.030 Exemptions.
- 18.73.040 Reserved
- 18.73.050 Reserved
- 18.73.060 Notification of residential short-term rental.
- 18.73.070 Standards.
- 18.73.080 Enforcement and Penalties
- 18.73.090 Preexisting transient lodging uses.
- 18.73.100 Preexisting short-term rental uses.
- 18.73.110 No property rights conferred
- 18.73.120 License required.
- 18.73.130 Application requirements.
- 18.73.140 Requirements for license issuance.
- 18.73.150 License form and period of validity.
- 18.73.160 License issuance and non-transferability.
- 18.73.170 Term of license; expiration.
- 18.73.180 License renewal.
- 18.73.190 Cessation of use of a residential unit as a short term rental.
- 18.73.200 License revocation.
- 18.73.210 License revocation notice.
- 18.73.220 Appeal from denial or revocation of license.
- 18.73.230 Fee

41 **18.73.010 Purpose.**

42 The purpose of this chapter is to provide a fair, equitable and streamlined means of allowing residential short-term
43 rentals throughout Alpine County in a manner that provides for the health and safety of the occupants and does not
44 create a public nuisance.

45 **18.73.020 Applicability.**

46 Residential short-term rentals may be located in any zone that allows residential use; provided, that the residential
47 short-term rental complies with all the requirements of this chapter. Residential short-term rental means the use of a
48 dwelling unit by any person or persons for the purpose of providing overnight lodging in exchange for payment for a
49 period of less than 30 consecutive days. Short-term rentals also include owner-occupied short-term rentals, but do not
50 include bed and breakfasts, inns, hotels and motels. Short-term rentals are prohibited in accessory (secondary)
51 dwelling units or junior accessory dwelling units (Government Code 65852.2).

52 **18.73.030 Exemptions.**

53 A. Five Nights/Year. Residential short-term rentals offered or used up to a maximum of five nights per calendar year
54 are exempt from the requirements of this chapter except that the owner or operator shall pay all applicable transient
55 lodging taxes as required by county code.

56 B. One Bedroom in an Owner-Occupied Residence. One bedroom in an owner-occupied residence accommodating no
57 more than three overnight guests is exempt from the requirements of this chapter except that the owner or operator
58 shall pay all applicable transient lodging taxes as required by county code.

59 **18.73.060 Notification of residential short-term rental.**

60 Upon approval of a license and prior to offering the residential short-term rental, the property owner or their agent
61 shall send a notification to all property owners shown on the latest equalized assessment roles as owning real property
62 within three hundred feet of the property where the residential short-term rental is located. Notices shall contain the
63 property owner's and, if applicable, the rental agent's name, telephone number and mailing address; street address of
64 the residential short-term rental unit, description of the residential short-term rental use, name and phone number for a
65 local twenty-four/seven emergency contact.

66 This notification requirement does not apply to residential short-term rentals located within the Kirkwood Specific
67 Plan and Bear Valley Master Plan areas.

68 **18.73.070 Standards.**

69 A. Limitation on Structures. A residential short-term rental may be conducted only within a legally established
70 residential unit or portion thereof.

71 B. Noise Limitations. No activity at any time shall produce sounds measured in excess of the standards as stated in
72 Section 18.68.090(B) of this code. Outdoor amplified sound is prohibited.

73 C. Outdoor Fires. Outdoor fires are limited pursuant to Chapter 8.16 regarding outdoor burning and fire control.

74 1. East slope properties which violate the standards of CC 8.16 for outdoor fire will be prohibited from all
75 future outdoor burning with the exception of propane fuel barbeques and appliances.

76 D. Solid Waste. Solid waste storage and disposal shall not become a nuisance. The property owner shall not fail to
77 adequately provide for appropriate refuse collection and/or storage. Solid waste violations include failure to secure
78 waste from wildlife, leaving waste out for excessive time, and failure to secure waste from weather.

79 1. East slope properties which violate the standard for solid waste shall be required to install a wildlife-proof
80 solid waste receptacle or "bear box".

81 E. Parking. No additional parking in excess of what is required for the residential use of the property shall be required.

82 F. Signs. One single, nonilluminated sign of not more than six square feet in area is permitted. In addition, each
83 residential short-term rental shall have an address placard displayed on the building or land in such manner as to be
84 clearly visible from the street or road on which the residential short-term rental is located. The address placard shall
85 comply with the requirements of the California Fire Code.

86 G. Life Safety Measures. The following life safety measures are required to be in place within the area to be used for
87 the residential short-term rental:

- 88 1. Operating smoke detector(s) and carbon monoxide detector(s) installed in accordance with state law;
- 89 2. At least one functioning fire extinguisher in an easily accessed location inside the space;
- 90 3. Written information available to the occupant in a conspicuous location inside the space containing
91 twenty-four/seven emergency contact information for a representative of the property owner or rental agent, law
92 enforcement, fire department, and ambulance services.

93 H. Confinement of pets. Guests of residential short-term rentals shall confine pets per the requirements of CC
94 6.04.160.

95 I. Outdoor lighting. For all exterior lighting the light source shall be fully shielded from neighboring properties and
96 directed downward. All light fixtures, including security lighting, shall be aimed and shielded so that the direct
97 illumination shall be confined to the property boundaries of the source. Motion sensing light fixtures shall be fully
98 shielded from neighboring properties and properly adjusted to turn off when detected motion ceases.

99 J. Interior Notice Requirements. Each rental shall have a clearly visible and legible notice posted within the unit on or
100 adjacent to the front door, containing the following information.

- 101 1. The name of the managing agency, agent, property manager, local contact, or owner of the unit, and a telephone
102 number at which that party may be reached on a 24-hour basis.
- 103 2. The number and location of on-site parking spaces and the parking rules for seasonal snow removal.
- 104 3. The trash pickup day and notification that trash and refuse shall not be left or stored on the exterior of the property
105 except from 6:00 p.m. of the day prior to trash pickup to 6:00 p.m. on the day designated for trash pickup and that
106 failure to utilize the provided garbage can enclosure, unless otherwise exempted, is a violation of this chapter.
- 107 4. Occupants and/or guests of the rental shall not create unreasonable noise or disturbances, engage in disorderly
108 conduct, or violate provisions of this Code or any State law pertaining to noise or disorderly conduct, and shall not
109 produce noise such that neighboring properties are disturbed between the hours of 9:00 p.m. and 7:00 a.m.
- 110 5. Occupants may be cited and fined for violating any provisions of the Alpine County Code.

111 L. Compliance with Other Codes, Laws and Regulations. The residential short-term rental shall be conducted in
112 compliance with other applicable codes, laws and regulations including, but not limited to, all applicable provisions of
113 the Alpine County Code.

114 M. Public Nuisance. The residential short-term rental shall not be operated in a manner that creates a public nuisance.

115 N. Local Contact. The property owner shall designate a local contact. The local contact may be a professional
116 property manager realtor, property owner, or other designated person who is available 24 hours per day, seven days
117 per week during all times that the property is rented, and has access and authority to assume management of the unit
118 and take remedial measures. The local contact shall be required to abate a nuisance relating to noise, trash, or parking
119 within one hour after being notified of the existence of a potential violation of this chapter. The local contact shall be
120 located within one hour driving distance of the short-term rental.

121 O. Advertisement. The residential short-term rental shall post the license identification number issued by the County
122 within all online listings or other advertisements of the property for rent.

123 **18.73.080 Enforcement and Penalties**

124 A. Upon violation of the standards the responsible party and property owner will receive a written warning that
125 additional violations of the standards will result in an administrative fine.

126 B. The second successive violation of the standards will cause an administrative fine not to exceed \$500. The third
127 successive violation of the standards will cause an administrative fine not to exceed \$750. The fourth violation will
128 cause an administrative fine not to exceed \$1,000 and the license to conduct short-term rental use shall be revoked and
129 the property shall be prohibited from future short-term rental use. Successive violation means there have been three
130 upheld fines for violations which fines were issued during three separate events and/or calls at the property within any
131 24 month period.

132 C. Operation of a residential short-term rental without a valid license will result in an immediate administrative fine
133 not to exceed \$1,000.

134 **18.73.090 Transient lodging tax proof of payment.**

135 On or before April 1st of each year, payment in full of all transient lodging taxes due for the preceding calendar year
136 shall be confirmed by the community development department. Nonpayment of transient lodging taxes is a violation
137 of this chapter and the county may take action against the property owner and/or operator of the residential short-term
138 rental pursuant to the applicable sections of the Alpine County Code.

139 **18.73.100 Preexisting short-term rental uses.**

140 Effective July 1, 2021 all short-term rentals in residential dwellings in existence shall obtain a license and comply with
141 all of the requirements for residential short-term rentals as described in this chapter.

142 B. Effective July 1, 2021 East slope residential short-term rentals are required to meet the operational standards of
143 this section and are subject to enforcement provisions including immediate administrative citations for violation of
144 operational standards.

145 **18.73.110 No property rights conferred**

146 Residential short-term rental licenses shall not be construed as providing property rights or vested interests and
147 entitlements in continued operation of a short-term rental. Residential short-term rental licenses are revocable.
148 Residential short-term rental licenses shall not run with the land.

149 **18.73.120 - License required.**

150 No person shall rent, offer to rent, or advertise for rent a residential unit to another person or persons for a short-term
151 rental without a license approved and issued in a manner provided for by this chapter. Only owners of a residential unit
152 are eligible to apply for and receive a short-term rental license. Licenses for operation of a short-term rental shall be
153 issued pursuant to an administrative policy developed by the County planner and/or his designee.

154 **18.73.130 - Application requirements.**

155 Prior to renting, offering to rent or advertising the rental of a residential unit for a short term rental, the property owner
156 shall make an application to the County on a form provided by the County. The application shall be filed by the owner
157 and include the following information:

158 a. The full true name under which the business will be conducted.

159 b. The address and assessor parcel number where the short-term rental is to be conducted. Where multiple units are
160 located on the same parcel, each unit's address shall be provided on a separate application.

161 c. The owner's full, true name, mailing address, email address and telephone number.

162 d. In the case that a separate management company or person shall assume responsibility of the short term rental for
163 the owner, the management company or contact person's name, phone number, mailing address and email address
164 shall be provided in addition to the owner.

165 **18.73.140 - Requirements for license issuance.**

166 The County shall consider the information included in a submitted application in order to determine whether the
167 issuance of the license for the short-term rental is consistent with the provisions of this chapter. Upon determination by
168 the County that the following criteria have been met, the County shall approve the license:

- 169 a. The number of licensed short-term rentals within the East Slope short-term rental overlay district does not
170 exceed thirty (30).
- 171 b. The property is not within 100 feet distance as measured from the property boundary to a licensed short term
172 rental property in the Residential Neighborhood or Residential Estate zoning district or within 100 feet of a
173 the dwelling unit for a licensed property in the Agriculture zoning district. For property in the Agriculture
174 zoning district the dwelling unit shall not be within 100 feet of a licensed short-term rental property.
175 Properties with a valid registration or transient lodging home occupancy permit approved prior to March 17,
176 2020 are not required to meet the 100 feet distance requirement if the owner applies for license prior to July 1,
177 2021. Legal non-conforming uses which do not meet the 100 feet distance requirement are allowed to
178 continue short-term rental use by maintaining an annual license. Legal non-conforming status with the 100
179 feet distance requirement shall be rescinded if a legal non-conforming use changes ownership, fails to renew
180 the annual license, the license is revoked by the County, or upon cessation of use. The limits of this section
181 apply only to properties within the East slope.
- 182 c. A license for a short-term rental use for the residential unit has not been revoked in the prior twenty-four
183 month period;
- 184 d. The premises or residential unit is not currently the subject of an active compliance order or administrative
185 citation for violation of this code;
- 186 e. An administrative citation has not been issued, regarding a violation on the site, in the past twelve months;
- 187 f. The property owner has demonstrated, through an application filed to the County, the ability to meet the
188 requirements outlined in this chapter.

189 **18.73.150 - License form and period of validity.**

190 All licenses for short-term rental uses shall be made on forms furnished by the community development department
191 and shall be issued for a period of one year. Licenses shall be issued for the period of time beginning on July 1st of
192 each year and shall conclude on June 30th of the following year. Applications made during the year shall be issued for
193 a prorated period to conclude on June 30th.

194 **18.73.160 - License issuance and non-transferability.**

195 The short-term rental license issued under this chapter shall be issued to the owner of record of the residential unit and
196 no license may be assigned, transferred or loaned to any other person, entity, location or establishment.

197 **18.73.170 - Term of license; expiration.**

198 The short-term rental license shall be personal to the applicant/owner and shall automatically expire upon sale or
199 transfer of the premises or residential unit, or if not renewed pursuant to Section 18.73.180. The license may be
200 revoked for failure to comply with the requirements of the County Code, subject to the administrative and revocation
201 procedures outlined in Section 18.73.200, unless otherwise specified by this chapter.

202 **18.73.180 - License renewal.**

203 The short-term rental license shall automatically renew upon payment of the short-term rental license renewal fee and
204 all required transient occupancy tax remittance documents associated with the short-term rental license. Nonrenewal
205 prior to the expiration date will result in expiration of the short-term rental license and will require that a new
206 application be made subject to Sections 18.73.130 and 18.73.140 and all other requirements of this code.

207 **18.73.190 - Cessation of use of a residential unit as a short term rental.**

208 a. Where the owner of a premises or residential unit used and occupied as a short-term rental pursuant to a
209 short-term rental license approved and issued in the manner provided by this chapter fails to remit transient occupancy
210 tax for a period of twelve (12) consecutive months as determined by the County, the short-term rental license shall be
211 deemed to have automatically expired and shall be forfeited.

212 b. Where the owner of a premises or residential unit used and occupied as a short-term rental pursuant to a
213 short-term rental license approved and issued in the manner provided by this chapter intends to cease such use and
214 abandon the short-term rental license for the residential unit, the owner shall promptly cause a notice of cessation to be

215 filed with the County. The short-term rental license for the unit shall expire immediately upon receipt by the County of
216 the notice of cessation.

217 **18.73.200 - License revocation.**

218 A short-term rental license issued under the provisions of this chapter may be revoked by the County planner or his/her
219 designee after notice and hearing, as provided in Section 18.73.210 below, for any of the following reasons:

- 220 a. Fraud, misrepresentation or false statement contained in the application;
- 221 b. Fraud, misrepresentation or false statement made in the course of carrying on a short-term rental as regulated by
222 this chapter;
- 223 c. Any violation of any of the provisions of this chapter or of any other provision of this code; or
- 224 d. Any violation of any provision of federal, state or local laws.
- 225 e. Cessation of use

226 **18.73.210 - License revocation notice.**

227 Before revoking a short-term rental license, the County planner or his/her designee shall give the owner notice in
228 writing ten days prior to the revocation action.

229 **18.73.220 - Appeal from denial or revocation of license.**

230 Any person whose application has been denied by the County planner or his/her designee or any person who has had a
231 short-term rental license revoked by the County planner or his/her designee shall have the right to appeal per County
232 Code 18.88.

233 **18.73.230 – Fee**

- 234 (a) The County shall collect an annual fee of \$100 for every application.
- 235 (b) The above Fee amount is not anticipated to fully cover the cost so administrating this Ordinance; however,
236 within twelve months of this Ordinance, the County shall conduct a fee study to determine the total cost of
237 administering this Ordinance.
- 238 a. If, based on the results of the fee study, the fee needs to be increased; the County may increase the Fee
239 by way of resolution for any new or renewed registrations.
- 240 b. If, based on the results of the fee study, the fee exceeds the cost of the administering this Ordinance the
241 County shall decrease the fee by way of a resolution and shall also reimburse applicants their proportional
242 share of overpayment

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